



General Assembly

Substitute Bill No. 829

January Session, 2013



AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-88 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) [A] Unless a person is providing legal services pursuant to
4 statute or rule of the superior court, a person who has not been
5 admitted as an attorney under the provisions of section 51-80 or,
6 having been admitted under section 51-80, has been disqualified from
7 the practice of law due to resignation, disbarment, being placed on
8 inactive status or suspension, shall not: (1) Practice law or appear as an
9 attorney-at-law for another [.] in any court of record in this state, (2)
10 make it a business to practice law [.] or appear as an attorney-at-law
11 for another in any such court, (3) make it a business to solicit
12 employment for an attorney-at-law, (4) hold himself or herself out to
13 the public as being entitled to practice law, (5) assume to be an
14 attorney-at-law, (6) assume, use or advertise the title of lawyer,
15 attorney and counselor-at-law, attorney-at-law, counselor-at-law,
16 attorney, counselor, attorney and counselor, or an equivalent term, in
17 such manner as to convey the impression that he or she is a legal
18 practitioner of law, [or] (7) advertise that he or she, either alone or with
19 others, owns, conducts or maintains a law office, or office or place of
20 business of any kind for the practice of law, or (8) otherwise engage in

21 the practice of law as defined by statute or rule of the superior court.

22 (b) (1) Any person who violates any provision of this section shall
23 be guilty of a class D felony, except that in any prosecution under this
24 section, if the defendant proves by a preponderance of the evidence
25 that the defendant committed the proscribed act or acts while admitted
26 to practice law before the highest court of original jurisdiction in any
27 state, the District of Columbia, the Commonwealth of Puerto Rico or a
28 territory of the United States or in a district court of the United States
29 and while a member in good standing of such bar, such defendant
30 shall be guilty of a class C misdemeanor. No person whose admission
31 to practice law under the provisions of section 51-80, or whose
32 admission or permission to practice law pursuant to any other statute
33 or rule of the superior court has been suspended, solely on the basis of
34 the failure to pay the occupational tax on attorneys imposed pursuant
35 to section 51-81b or the client security fund fee assessed pursuant to
36 section 51-81d shall be subject to prosecution under this section for
37 engaging in the practice of law during the period of such suspension.

38 (2) The provisions of subdivision (1) of this subsection shall not
39 apply to any employee in this state of a stock or nonstock corporation,
40 partnership, limited liability company or other business entity who,
41 within the scope of his or her employment, renders legal advice to his
42 or her employer or its corporate affiliate and who is admitted to
43 practice law before the highest court of original jurisdiction in any
44 state, the District of Columbia, the Commonwealth of Puerto Rico or a
45 territory of the United States, a foreign jurisdiction as permitted by
46 rule of the superior court or in a district court of the United States and
47 is a member in good standing of such bar. For the purposes of this
48 [subsection] subdivision, "employee" means any person engaged in
49 service to an employer in the business of his or her employer, but does
50 not include an independent contractor.

51 (3) In any prosecution under section 53a-8 for soliciting, requesting,
52 commanding, importuning or intentionally aiding in the violation of
53 this section, and in any prosecution under section 53a-48 for

54 conspiracy to violate this section, the state shall have the burden of
 55 proving beyond a reasonable doubt that the defendant had actual
 56 knowledge that the person was not admitted to practice law in any
 57 jurisdiction at the time such violation occurred.

58 (c) Any person who violates any provision of this section shall be
 59 deemed in contempt of court, and the Superior Court shall have
 60 jurisdiction in equity upon the petition of any member of the bar of
 61 this state in good standing or upon its own motion to restrain such
 62 violation.

63 (d) The provisions of this section shall not be construed as
 64 prohibiting: (1) A town clerk from preparing or drawing deeds,
 65 mortgages, releases, certificates of change of name and trade name
 66 certificates which are to be recorded or filed in the town clerk's office
 67 in the town in which the town clerk holds office; (2) any person from
 68 practicing law or pleading at the bar of any court of this state in his or
 69 her own cause; (3) any person from acting as an agent or
 70 representative for a party in an international arbitration, as defined in
 71 subsection (3) of section 50a-101; or (4) any attorney admitted to
 72 practice law in any other state or the District of Columbia from
 73 practicing law in relation to an impeachment proceeding pursuant to
 74 Article Ninth of the Connecticut Constitution, including an
 75 impeachment inquiry or investigation, if the attorney is retained by (A)
 76 the General Assembly, the House of Representatives, the Senate, a
 77 committee of the House of Representatives or the Senate, or the
 78 presiding officer at a Senate trial, or (B) an officer subject to
 79 impeachment pursuant to said Article Ninth.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2013	51-88
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JUD *Joint Favorable Subst.*